

LINDBERGH PORTER, Bar No. 100091
ROBERT L. ZALETEL, Bar No. 96262
LITTLER MENDELSON, P.C.
333 Bush Street, 34th Floor
San Francisco, CA 94104
Telephone: (415) 433-1940
Facsimile: (415) 399-8490
Email: lporter@littler.com
rzaletel@littler.com

Attorneys for Defendant
TIMEC COMPANY, INC. dba
TRANSFIELD SERVICES, LTD.

JOHN T. MULLAN, Bar No. 221149
ERIN M. PULASKI, Bar No. 270998
RUDY, EXELROD, ZIEFF & LOWE, L.L.P.
351 California Street, Suite 700
San Francisco, CA 94104
Telephone: (415) 434-9800
Facsimile: (415) 434-0513
Email: jtm@rezlaw.com
emp@rezlaw.com

JAY T. JAMBECK, Bar No. 226018
LEIGH LAW GROUP
870 Market Street, Suite 1157
San Francisco, CA 94102
Telephone: (415) 399-9166
Email: jjambeck@leighlawgroup.com

Attorneys for Plaintiffs JOSEPH VIERRA and
KEVIN WOODRUFF, and all others similarly
situated

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH VIERRA and KEVIN
WOODRUFF, on behalf of themselves and
classes of those similarly situated,

Plaintiffs,

vs.

TIMEC COMPANY, INC. dba
TRANSFIELD SERVICES, a corporation,
Defendant.

CASE NO. 3:14-CV-04105-EMC

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER FOR CONTINUANCE OF
HEARING ON PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION**

Judge: Hon. Edward M. Chen
Ctrm.: Courtroom 5 - 17th Floor
450 Golden Gate Avenue
San Francisco, CA

Firmwide:139968880.6 052001.1047

CASE NO. 3:14-CV-04105-EMC

JOINT STIPULATION TO CONTINUE HEARING

1 Plaintiffs Joseph Vierra and Kevin Woodruff ("Plaintiffs") and Defendant Timec
2 Company, Inc. dba Transfield Services ("Defendant"), by and through their attorneys of record,
3 hereby stipulate as follows:

4 WHEREAS, this putative wage hour class action was initiated on September 10, 2014
5 when Plaintiffs filed their Class Action Complaint;

6 WHEREAS, the case was reassigned to the Honorable Edward M. Chen on
7 November 18, 2014;

8 WHEREAS, in December 2014, the parties agreed to pursue early mediation of the
9 case and to conduct limited discovery in advance of the mediation;

10 WHEREAS, following the exchange of initial discovery and meet and confer efforts
11 between the parties, a *Belair* notice was mailed out to putative class members in May 2015, and a
12 class list was provided to counsel for Plaintiffs in June 2015;

13 WHEREAS, the parties have conducted discovery including requests for documents,
14 interrogatories and depositions;

15 WHEREAS, two private mediations took place with mediator Jeff Ross on
16 September 22, 2015 and March 2, 2016. The parties made progress but did not resolve the case.

17 WHEREAS, the Court has extended the date for hearing class certification motions
18 (either by Plaintiffs to certify a class, or by Defendant that a class cannot be certified) several times
19 at the parties' request. Currently the date for hearing class certification motions is June 9, 2016 at
20 1:30 p.m. There is also a case management conference scheduled for that date. Under the 35 day
21 schedule in the Local Rules, motions for or against class certification are currently due May 5, 2016.
22 The parties do not request that that date be extended. The parties do request that once the opening
23 brief or briefs and supporting papers are filed, rather than the 35 day schedule the Local Rules for
24 oppositions, replies, and hearing, opposition briefs be due approximately 60 days later, and reply
25 briefs due approximately 60 days thereafter. While the scheduling of the hearing is left to the
26 discretion of the Court, the parties propose that the hearing be held approximately 21 days after the
27 reply brief or briefs are filed, to enable the parties to explore settlement again, with the benefit of
28 fully briefed class certification motion. In its November 10, 2015 order previously continuing the

Firmwide:139968880.6 052001.1047

1 motion for hearing on Plaintiffs' Motion for Class Certification (ECF No. 37, p. 4 of 4) the Court
 2 stated:

3 "Parties shall follow the civil local rule regarding notice
 4 requirement [for class certification] and may stipulate to a briefing
 schedule outside the normal 35 day notice."

5 The parties anticipate that there will be a substantial number of declarations filed by both sides in
 6 this case, and that the parties may wish to depose the other side's declarants in order to prepare
 7 opposition and reply papers. (The parties plan to take abbreviated depositions subject to reopening
 8 at a later date if necessary). The parties are also still in the midst of conducting discovery which
 9 may be relevant to the opposition or reply papers. The parties respectfully request that, while the
 10 Court maintain the current May 5, 2016 date for the filing of Plaintiffs' Motion for Class
 11 Certification (or a Motion by Defendant that a Class Cannot Be Certified), any opposition papers
 12 will be due approximately 60 days thereafter (July 5, 2016), and any reply papers Friday
 13 September 2, 2016, and that the hearing on the motion(s) be held approximately 3 weeks later, on
 14 Thursday, September 23, 2016 at 1:30 p.m. (or such other date or time as the Court prefers). The
 15 Case Management Conference currently scheduled for June 9, 2016 at 1:30 p.m. would also be
 16 continued to that date. Joint Case Management Conference Statements would be due one week prior
 17 to the new date.

18 WHEREAS the parties believe that this proposed schedule will move the case
 19 towards resolution and better enable the parties to explore settlement with knowledge of the other
 20 side's evidence, arguments and cases in support of their position, and will better enable the parties to
 21 conduct adequate discovery to fully brief the class certification issues.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

1 IT IS SO STIPULATED.

2 DATED: April 20, 2016

3 /s/ Robert L. Zaletel
4 LINDBERGH PORTER
5 ROBERT L. ZALETEL
6 LITTLER MENDELSON, P.C.

7 Attorneys for Defendant
8 TIMEC COMPANY, INC. dba
9 TRANSFIELD SERVICES, LTD.

10 DATED: April 20, 2016

11 /s/ John T. Mullan
12 JOHN T. MULLAN
13 ERIN M. PULASKI
14 RUDY, EXELROD, ZIEFF & LOWE, L.L.P.

15 Attorneys for Plaintiffs
16 JOSEPH VIERRA and KEVIN WOODRUFF,
17 and all others similarly situated

18 **ECF ATTESTATION**

19 Pursuant to Local Rule 5-4.3.4(a)(2)(i), the filer attests that all other signatories listed,
20 on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.
21
22
23
24
25
26
27
28

[PROPOSED] ORDER

For good cause appearing, Plaintiffs' Motion for Class Certification and any Motion by Defendant that a Class Cannot Be Certified, shall be filed with all supporting papers by the current date of May 5, 2016. Opposition papers shall be due July 5, 2016. Any reply papers shall be filed by September 2, 2016. The hearing on Motions for Class Certification shall be heard on September ²²~~23~~, 2016 at 1:30 p.m. The Court will also hold a Case Management Conference at that time. A Joint Case Management Conference Statement shall be filed by the parties by September ¹⁵~~16~~, 2016.

IT IS SO ORDERED.

DATED: 4/22, 2016

